

MEMO ENDORSED



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January 13, 2022

VIA ECF

Hon. Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Cunningham v. The City of New York, et al
No. 15-CV-1266 (ALC)

Dear Judge Carter:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel, attorney for Defendant in the above-referenced action. Pursuant to Rule 6 of the Court's Individual Practices, I write to respectfully request leave to file, under seal, documents in support of Defendant's forthcoming motion for summary judgment.

In this action, Plaintiff alleges that his constitutional rights were violated while he was detained at the Anna M. Kross Center ("AMKC"), a New York City Department of Correction ("DOC") facility. The sole Defendant in this action, former Warden Rose Agro, must move for summary judgment on the remaining claims on or before Friday, January 14, 2022.

In support of her motion, Defendant intends to rely upon DOC records pertaining to Plaintiff. Defendant also intends to rely on Plaintiff's medical and mental health records (which are maintained by Correctional Health Services), and on a transcript of Plaintiff's deposition, which discusses Plaintiff's medical and mental health needs at length and in great detail. Defendant submits that these records are highly sensitive and confidential. *See, e.g., Fox v. Poole*, 2007 U.S. Dist. LEXIS 64779, at *38 (W.D.N.Y. Aug. 31, 2007) (ordering parties to file inmate medical record under seal).

Accordingly, Defendant respectfully requests leave to file the records mentioned above under seal. I have conferred with Plaintiffs' counsel, who consents to this request.

Thank you for your consideration of this matter.

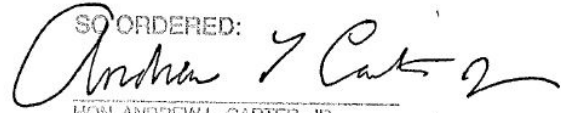
Respectfully submitted,

/s/

Copatrack Thomas
Assistant Corporation Counsel

cc: Attorneys of Record (via ECF)

The Court is in receipt of the parties' requests to seal documents in this case, and apologies for the delay in confirming that the documents will remain sealed. The motion to seal is GRANTED nunc pro tunc.

SO ORDERED:


HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Dated: Sept. 28, 2022